

Notice of Allowability

Application No.

10/670,872

Examiner

Dai A. Phuong

Applicant(s)

WEAVER ET AL.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/24/2006.
2. ☒ The allowed claim(s) is/are 1-3, 19-23, 30 and 32-37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


DUC NGUYEN
PRIMARY EXAMINER

DETAILED ACTION

1. This is in response to the Applicant's amendments and arguments filed on 07/24/2006 in which claims 4-18, 24-29 and 31 have been canceled. Claims 1-3, 19-23, 30 and 32-37 are currently pending.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowed:

Claims 1-3, 19-23, 30 and 32-37 are allowed.

Regarding claim 1, the prior art record fails to anticipated or render obvious a method comprising: determining a current location of a mobile station; making a comparison of the current location to a designated location; based on the comparison, computing a next time to determine an updated location of the mobile station; *sending content associated with the designated location to the mobile station once the mobile station is located within a range of the designated location, wherein making the comparison comprises estimating a distance between the current location and the designated location, wherein computing the next time to determine the updated location of the mobile station comprises estimating a time interval to travel the distance between the current location and the designated location, wherein estimating the time interval to travel the distance between the current location and the designated location comprises using a predefined travel time that corresponds to traveling the distance between the current location and the designated location, and wherein computing the next time to determine the updated location of the mobile station comprises calculating a percentage of the predefined travel time, wherein the next time to determine the updated*

location of the mobile is at least about 50% of the predefined travel time, all limitations in combination as defined by applicant.

Regarding claim 30, the prior art record fails to anticipated or render obvious a system comprising: a content serving element that stores content associated with a designated location and sends the content to a mobile station when the mobile station is located within a range of the designated location; and a location determining element arranged to:

(a) determine when the mobile station is located within the range; and

(b) responsively inform the content serving element when the mobile station is located within the range, wherein the location determining element determines when the mobile station is located within the range by performing a process comprising:

(i) determining a current location of the mobile station, and

(ii) if the current location is not within the range, computing a next time to determine an updated location of the mobile station by estimating a travel time required for the mobile station to travel from the current location to the designated location using at least about 50% of the predefined travel time, and at the next time repeating from step (i), all limitations in combination as defined by applicant.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2617
Date: 08-25-2006


DUC NGUYEN
PRIMARY EXAMINER